

APPEAL NO. 032221
FILED SEPTEMBER 23, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 30, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable wrist injury does not extend to or include bilateral carpal tunnel syndrome. Additionally, the hearing officer determined that as result of the compensable injury, the claimant had disability from March 6, 2003, through the date of the hearing. The appellant (carrier) appeals the disability determination. The claimant urges affirmance of the hearing officer's decision. The extent-of-injury determination has not been appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed.

Whether the claimant had disability resulting from the _____, compensable injury was a factual question for the hearing officer to resolve. The claimant testified that she used pain medication that allowed her to work from January 4, 2002, until March 6, 2003. On that date, her treating doctor put her on work restrictions. The claimant's supervisor testified that the employer did not have any jobs that fit the claimant's work restrictions. A disability determination can be established by the claimant's testimony alone, if believed by the hearing officer. Gee v. Liberty Mutual Fire Insurance Company, 765 S.W.2d 394 (Tex. 1989). The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer was persuaded by the evidence that the claimant was unable to obtain or retain employment at her preinjury wage for the period of time in question as a result of the compensable injury to both wrists. Nothing in our review of the record indicates that the hearing officer's disability determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TPS JOINT SELF-INSURANCE FUNDS** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Margaret L. Turner
Appeals Judge